

**JEFFREY S. CHIESA**  
Attorney General of New Jersey  
Attorney for Complainant  
State of New Jersey  
Department of Law and Public Safety  
Division of Gaming Enforcement  
1300 Atlantic Avenue  
Atlantic City, New Jersey 08401

STATE OF NEW JERSEY  
DIVISION OF GAMING ENFORCEMENT  
DOCKET NO. 13-0097-VC

STATE OF NEW JERSEY, DEPARTMENT	)	
OF LAW AND PUBLIC SAFETY,	)	
DIVISION OF GAMING ENFORCEMENT,	)	
	)	
Complainant,	)	ORDER
	)	
v.	)	
	)	
DGMB CASINO, LLC d/b/a	)	
RESORTS ATLANTIC CITY	)	
	)	
Respondent.	)	
	)	

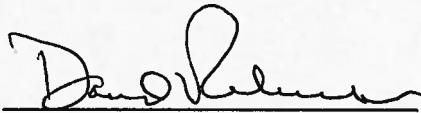
The Division, filed a Complaint on February 7, 2013, Docket No. 13-0097-VC, seeking sanctions against Resorts for reasons set forth therein and, more specifically that Resorts permitted a self-excluded person to wager at slot machines and table games in its casino hotel facility and permitted the self-excluded person to obtain a cash advance without verifying the patron's identity; and

Having considered the relevant provisions of the Casino Control Act, *N.J.S.A.* 5:12-1 *et seq.* and the regulations promulgated thereunder, specifically *N.J.A.C.* 13:69D-1.11 and 13:69G-2.4; and

Having considered the Stipulation of Settlement which the parties executed and finding sufficient legal and factual support for the recommended penalty therein.

I hereby ORDER that the settlement be adopted and that a civil penalty in the amount of \$17,500 be imposed upon Resorts, payable upon receipt of an invoice from the Division.

Dated: February 1, 2013

A handwritten signature in black ink, appearing to read "David Rebeck", written over a horizontal line.

DAVID REBUCK  
DIRECTOR

**By: Lon E. Mamolen**  
**Deputy Attorney General**  
**(609) 317-6218**

**STATE OF NEW JERSEY, DEPARTMENT  
OF LAW AND PUBLIC SAFETY,  
DIVISION OF GAMING ENFORCEMENT,**

**v.**

**Respondent.**

## STIPULATION OF SETTLEMENT

-1-

d/b/a Resorts Atlantic City ("Resorts"), Respondent, by Nicholas F. Moles, Vice President and General Counsel, and said matter having been resolved, it is hereby consented to and agreed by and between the parties.

### **PRELIMINARY FACTS**

1. Respondent Resorts is a New Jersey limited liability corporation having its principal place of business at 1133 Boardwalk, Atlantic City, New Jersey.

2. Resorts is the holder of a casino license issued on or about July 13, 2011. At all times relevant herein, Resorts was authorized to conduct casino gaming within its casino hotel facility.

### **APPLICABLE LAW**

3. N.J.S.A. 5:12-71.2 provides, in pertinent part:

a. The division shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the division that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.

4. N.J.A.C. 13:69G-2.4 provides, in pertinent part, that:

(a) Each casino licensee shall establish procedures that are designed, to the greatest extent practicable, to:

1. Permit appropriate employees of the casino

licensee to identify a self-excluded person when present in a casino or simulcasting facility and, upon such identification, notify:

- I. Those employees of the casino licensee designated to monitor the presence of self-excluded persons; and
- II. Designated representatives of the Division;
2. Refuse wagers from and deny any gaming privileges to any self-excluded person;

...

5. N.J.A.C. 13:69D-1.11 provides, in pertinent part, that:

...

(b) In addition to satisfying the requirements of (a) above, each casino licensee's system of internal controls shall include at a minimum, the following departments and supervisory positions. Each of the departments and supervisors required or authorized by this section (a "mandatory" department or supervisor) shall cooperate with, yet perform independently of, all other mandatory departments and supervisors of the casino licensee. Mandatory departments and supervisory positions are as follows:

1. A surveillance department supervised by a person referred herein as the director of surveillance. The director of surveillance shall be subject to the requirements specified in (c) below. The surveillance department monitoring room shall be supervised by a casino key employee who shall be present in the room at all times or, if not present, be within immediate contact and at a known location on the premises. The surveillance department shall be responsible for, without limitation, the following:

...

vii. The detection of the presence in the establishment of any person...who is self excluded pursuant to N.J.S.A. 5:12-71.2...

### **ALLEGATION AND ADMISSIONS**

6. The Division, by Complaint filed February 7, 2013, Docket No. 13-0097-VC, a copy of which is attached hereto as Exhibit "A", sought sanctions against Resorts for reasons set forth therein and, more specifically Resorts permitted JM, a self-excluded individual, to wager at multiple slot machines and the table games of Three Card Poker and Spanish 21 in its casino hotel facility during a twelve (12) hour period spanning June 7 and 8, 2012, and failed to verify JM's identification prior to processing a cash advance transaction on June 8, 2012.

7. Respondent Resorts acknowledges the accuracy of the facts set forth in Paragraph 6, *supra*, and the attached Complaint, and admits that its actions violate the provisions of N.J.A.C. 13:69D-1.11 and N.J.A.C. 13:69G-2.4.

### **PRIOR REGULATORY HISTORY OF LICENSEE**

8. Resorts has not been the subject of a regulatory complaint within the preceding three year period that involved allowing an excluded person to gamble.

### **CORRECTIVE ACTION OF THE LICENSEE AND MITIGATING FACTORS**

9. Resorts issued a written warning to both the casino cage cashier and the casino cage supervisor involved in the cash advance transaction. In addition, a memo dated June 8, 2012, was disseminated to all casino cashiering personnel reiterating Resorts' procedures for identifying a patron whose name appears on the

self-exclusion list when processing a cash advance transaction.

### **SETTLEMENT AGREEMENT**

IT IS THEREFORE AGREED AND STIPULATED by and between the parties hereto that:

- A. The facts stated herein are true and accurate.
- B. Respondent Resorts admits that it violated the provisions of the Act and the regulations promulgated thereunder, specifically N.J.A.C. 13:69D-1.11 and N.J.A.C. 13:69G-2.4 in that it permitted a self-excluded individual to wager at slot machines and table games in its casino hotel facility and failed to verify the patron's identity for a cash advance.
- C. For the violations admitted in Paragraphs B, *supra.*, Respondent Resorts shall pay to the New Jersey Casino Revenue Fund, as a civil penalty pursuant N.J.S.A. 5:12-129(5), and in recognition of the provisions of N.J.S.A. 5:12-130, the sum of \$17,500.
- D. The parties agree that a monetary penalty in the amount of \$17,500 is just and equitable and in accordance with the criteria set forth in N.J.S.A. 5:12-130, and shall be in full and final settlement of the allegations set forth in the above-captioned complaint.

The undersigned consent to the form and entry of the above Stipulation.

  
\_\_\_\_\_

**Lon E. Mamolen**  
**Deputy Attorney General**  
**Attorney for Complainant**

Dated: 2/7/13

  
\_\_\_\_\_

**Nicholas F. Moles, Esq.**  
**Vice President and General Counsel**

Dated: 2/8/13



**By: Lon E. Mamolen**  
**Deputy Attorney General**  
**(609) 317-6218**

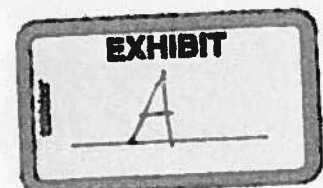
**STATE OF NEW JERSEY, DEPARTMENT  
OF LAW AND PUBLIC SAFETY,  
DIVISION OF GAMING ENFORCEMENT,**

**v.**

## Respondent.

## COMPLAINT

-1-



**COUNT I**  
**(Failure to Verify Self-Excluded Person)**

1. Respondent, DGMB Casino, LLC d/b/a Resorts Atlantic City ("Resorts") is a New Jersey enterprise having its principal place of business at 1133 Boardwalk, Atlantic City, New Jersey.
2. Resorts is the holder of a casino license issued on or about July 13, 2011. At all times relevant herein, Resorts was authorized to conduct casino gaming within its casino hotel facility.
3. N.J.S.A. 5:12-71.2 provides, in pertinent part:
  - a. The division shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the division that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.
4. N.J.A.C. 13:69G-2.4 provides, in pertinent part, that:
  - (a) Each casino licensee shall establish procedures that are designed, to the greatest extent practicable, to:
    1. Permit appropriate employees of the casino licensee to identify a self-excluded person when present in a casino or simulcasting facility and, upon such identification, notify:

i. Those employees of the casino licensee designated to monitor the presence of self-excluded persons; and

ii. Designated representatives of the Division;

2. Refuse wagers from and deny any gaming privileges to any self-excluded person;

...

5. N.J.A.C. 13:69D-1.11 provides, in pertinent part, that:

...

(b) In addition to satisfying the requirements of (a) above, each casino licensee's system of internal controls shall include at a minimum, the following departments and supervisory positions. Each of the departments and supervisors required or authorized by this section (a "mandatory" department or supervisor) shall cooperate with, yet perform independently of, all other mandatory departments and supervisors of the casino licensee. Mandatory departments and supervisory positions are as follows:

1. A surveillance department supervised by a person referred herein as the director of surveillance. The director of surveillance shall be subject to the requirements specified in (c) below. The surveillance department monitoring room shall be supervised by a casino key employee who shall be present in the room at all times or, if not present, be within immediate contact and at a known location on the premises. The surveillance department shall be responsible for, without limitation, the following:

...

vii. The detection of the presence in the establishment of any person...who is self excluded pursuant to N.J.S.A. 5:12-71.2...

6. At all times relevant herein and in furtherance of N.J.A.C.

13:69G-2.4(a), Resorts maintained a policy and procedures requiring casino

cage personnel to verify that a patron was not on the self-exclusion list prior to issuing a credit card cash advance to the patron.

7. On or about January 12, 2009, JM requested to be placed on the self-exclusion list for a lifetime term.

8. Within days of JM's request, the Casino Control Commission notified all casino licensees, including Resorts, that JM was a self-excluded person. Thereafter, Resorts caused JM to be identified as a self-excluded person within its computerized business records by amending an existing patron account in the name of JM to identify or "flag" JM as a self-excluded person.

9. Subsequent to being placed on the self-exclusion list, on June 7, 2012, JM entered Resorts and played at five (5) slot machines and various gaming tables, including those offering three card poker and Spanish 21. She played for approximately twelve (12) hours before being identified as a person on the self-exclusion list, spending approximately five (5) hours playing slot machines and approximately seven (7) hours playing table games. During the course of her play at the gaming tables, JM engaged in multiple "buy-ins" in the aggregate amount of \$600.

10. Approximately seven (7) hours after she commenced play, JM obtained a credit card cash advance for \$500 from an ATM maintained by Global

Cash for \$500. To secure the credit card cash advance JM presented a photograph identification bearing her name to Resorts' cage personnel. Cage personnel reviewed a list of self-excluded persons, but failed to identify JM as a person on the list.

11. After the transaction described in Paragraph 10 above, JM proceeded to play at Resorts' gaming tables for approximately five (5) additional hours prior to being identified as a person on the self-exclusion list by Resorts' table games managers. Once JM was suspected to be a person on the self-exclusion list, Resorts' Security Department was summoned to the gaming table at which DA was playing, JM's identity was confirmed. JM was thereupon escorted from the gaming table with \$421 in gaming chips in her possession. The gaming chips were confiscated, and JM was evicted from the premises.

12. Based upon the information in Paragraphs 1 through 11 of this Complaint, Resorts failed to verify JM's patron identification in its casino on June 8, 2012, in processing a credit card cash advance and thereby enabled JM to engage in further and substantial gaming activity while a self-excluded person in violation of N.J.S.A. 13:69D-1.11.

WHEREFORE, Complainant demands the following relief against Respondent, Resorts:

**A. Judgment that Resorts, by its cage personnel, failed to verify JM's patron identification in its casino and simulcasting facility on June 8, 2012, in processing a credit card cash advance and thereby enabled JM to engage in further and substantial gaming activity while a self-excluded person in violation of N.J.S.A. 13:69D-1.11;**

**B. Judgment imposing a civil monetary penalty, pursuant to N.J.S.A. 5:12-129(5), upon Resorts; and**

**C. Judgment for such other and further relief as the Director may deem just and appropriate under the circumstances.**

**COUNT II**  
**(Failure to Exclude)**

**13. Paragraphs 1 through 12 of Count I are incorporated by reference and made a part hereof as if set forth at length herein.**

**14. Based upon the information in Paragraphs 1 through 12 of this Complaint, Resorts failed to adequately identify and timely exclude or eject JM, a self-excluded person, from its licensed casino hotel facility, in violation of N.J.A.C. 13:69G-2.4.**

**WHEREFORE, Complainant demands the following relief against  
Respondent, Resorts:**

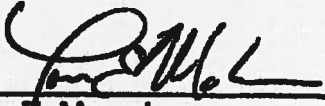
**A. Judgment that Resorts failed to adequately detect JM's presence  
in its casino facility while JM was a self-excluded person in violation of N.J.S.A.  
13:69D-1.11;**

**B. Judgment that Resorts failed to exclude JM from its licensed  
casino hotel facility in violation of N.J.A.C. 13:69G-2.4;**

**C. Judgment imposing a civil monetary penalty, pursuant to N.J.S.A.  
5:12-129(5), upon Resorts; and,**

**D. Judgment for such other and further relief as the Director may  
deem just and appropriate under the circumstances.**

**Respectfully submitted,  
JEFFREY S. CHIESA  
Attorney General of New Jersey**

By:   
Lon E. Mamolen  
Deputy Attorney General

Dated: 2/7/13  
File No: G-01-12-054